

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

PAGING COALITION

Request for a Declaratory Ruling

CC Docket No. 01-346

RESPONSE OF VERIZON

Verizon submits this response to the April 5 “Second Supplement” that petitioners have made to the Petition they filed with the Commission last year. In that Petition, petitioners made a single request: a declaration from the Commission that Verizon’s termination of certain billing arrangements was unlawful.¹ Verizon advised petitioners and the Commission in March that it would not terminate these arrangements and would continue to offer them to petitioners. The Petition is, therefore, moot, and the Commission should dismiss it as such.

Petitioners, however, in their “Second Supplement,” continue to press the Commission for action, and they urge “that the Commission should promptly issue the declaratory ruling as requested in the Petition.”² But the petitioners have already gotten exactly what they wanted when they filed and asked for Commission action — Verizon is continuing to offer them the services they want. There is nothing left for the Commission to do and no relief that the Commission can give petitioners. The matter is moot.

¹ Petition at ii, 1, 20 (Nov. 30, 2001).

² Second Supplement at 3.

Petitioners urge the Commission to act, pursuant to section 1.2 of the Commission's rules, which permits the Commission to issue declaratory ruling "to terminate a controversy or remove uncertainty." But there is no "live" controversy or any dispute left here.

Petitioners wanted Verizon to continue certain business arrangements, and Verizon is doing that. There is no longer any controversy over whether Verizon will provide the services. And there is no "uncertainty" about the arrangements, and no prices or other terms to negotiate; petitioners will continue to receive exactly what they receive now.


Petitioners say that there is still "uncertainty . . . as to the legal status of Type 3A and similar arrangements under the Communications Act, and as to the proper interpretation of the Commission's *TSR Wireless* decision."³ Verizon, of course, believes that there is no "uncertainty" at all as to these issues, as we demonstrated in our response to the petition.⁴ But a difference of opinion between petitioners and Verizon over a question of statutory construction or interpretation of a Commission decision is not sufficient to support a declaratory ruling in the absence of the concrete dispute in which that difference of opinion has some real-world effect. There is no longer any such dispute here.

The Commission should dismiss the Petition as moot.

³ Second Supplement at 4.

⁴ Opposition of Verizon, dated January 18, 2002, showing that reverse billing arrangements such as the one that was at issue here are not interconnection arrangements at all and, as the Commission held in *TSR Wireless*, "LECs are not obligated under our rules to provide such services at all."

Respectfully submitted,


John M. Goodman

Attorney for the Verizon
telephone companies

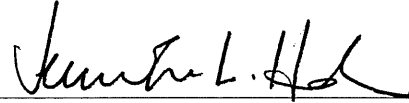
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Dated: June 4, 2002

CERTIFICATE OF SERVICE

I hereby certify that, on this 4th day of June, 2002, copies of the foregoing "Response of Verizon" were sent by first class mail, postage prepaid, to the parties listed below.

A handwritten signature in black ink, appearing to read "Jennifer L. Hoh", written over a horizontal line.

Jennifer L. Hoh
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